

Don't Miss the Pictures.
The new Pictorial Magazine Supplement
with THE SUN to-morrow will be even
better than the first number. Six-
teen pages. All pictures. With
THE SUN to-morrow.

THE WEATHER FORECAST.
Fair and moderate temperature to-day;
partly cloudy to-morrow.
Highest temperature yesterday, 75; lowest, 62.
Detailed weather, mail and marine reports on page 13.

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PRICE TWO CENTS.

U. S. REFUSES A COMPROMISE WITH GERMANY ON ITS RIGHTS OR WITH ANOTHER NATION, WHATEVER THE COST; NEXT VIOLATION OF AMERICAN LIFE WILL BE HELD TO BE DELIBERATELY UNFRIENDLY

BECKER SENDS HIS NEW TRIAL PLEA TO COURT

Justice Philbin Orders a
Hearing on Application
Next Monday.

ROSENTHAL RELATIVE MAKES AN AFFIDAVIT

Charles Becker's last court fight for his life was begun last yesterday afternoon when an application was made before Justice Philbin in the Supreme Court for a new trial for the man condemned to die next Wednesday. The basis of the application is newly discovered evidence, and one of the features of the application is that Becker's counsel offer to have Becker himself brought from Sing Sing to undergo a cross-examination.

Justice Philbin, as a matter of routine, signed an order on the District Attorney to show cause why the new trial should not be granted. The order is returnable on Monday morning.

The order does not act as a stay of execution nor can the Supreme Court Justice who hears the argument on Monday issue a stay. He can deny the motion for a new trial, in which case Becker would be executed on schedule time; or he can grant the motion for a new trial, in which case Becker would not be executed next week. The fact that there will be only Monday and Tuesday for the Justice to make up his mind does not disturb W. Bourke Cockran, chief of Becker's counsel, who says that two days will be plenty of time.

May Hear Affidavit Makers.

As things stood last night the only legal procedure promised for Monday morning is an argument between Mr. Cockran or his associate, Martin T. Maillon, and District Attorney Perkins or one of the members of his staff. But it is considered probable that the makers of the affidavits upon which the application is based may be called to the witness stand to testify and to be cross-examined. This was the proceeding in the last minute application in the case of the four gunmen. The witnesses all appeared in court, testified, were cross-examined and witnesses were offered in rebuttal. Just the same as at a trial.

The offer of Mr. Cockran to have Becker himself brought from the death house to undergo cross-examination as to the points in his long statement, printed on Wednesday, is unusual. Until about twelve months ago it was against the law to bring a person to court from the death house to testify; then the law was passed making this possible. The law was enacted so that William E. Flack could testify in the case of Antonio Leggio, on trial for the murder of Giuseppe Marino. Flack testified last May, and the law has not been invoked since.

All of the new evidence offered in Becker's behalf was gathered as a direct result of a statement Becker made to Father Curry, rector of St. James's Church, more than two years ago, and concerns Big Tim Sullivan's alleged reasons with Herman Rosenthal, his fear that Rosenthal would draw his name into the forthcoming revelations as to the gambling situation in New York, and the attempt of Tenderloin gamblers to take a purse to prevent Rosenthal from making his revelations.

Lawyers Kept in Dark.

"Why didn't Becker go on the witness stand at either one of his trials and tell his story in his own defence? It is the subject which the public has been puzzling over, and here is Mr. Cockran's answer:

"Becker didn't even tell this story to any of his counsel. John F. McIntyre, who defended Becker at the first trial, did not know about the time Becker met Big Tim Sullivan the Sunday night before the murder, when Jack Rose and Harry Appelbaum called at Becker's house after first telephoning, and took Becker down to Big Tim's office.

"At that conference Becker promised Big Tim that he wouldn't bring Big Tim's name into the case, no matter what followed. And he has kept that promise, until here he is with only a few days remaining. He didn't tell any of his counsel at either trial, and we don't know about it until Father Curry told us recently.

"Becker told it to him long ago, but he decided not to tell his counsel, to keep his promise to a dead man. When Father Curry told us I asked Becker about it; he repeated it, and after his statement was published in the newspapers Wednesday morning Harry Appelbaum confirms his story of that conference.

"And Jack Rose, the chief witness against Becker, in his talk with a number of newspaper men last night, also verified the fact that such a conference was held. Rose is quoted the same in the morning newspapers, so we have used the newspaper articles with our affidavits.

"Why didn't Rose tell on the stand at Becker's trial that night and of going with him to meet Big Tim Sullivan? He swore on the witness stand that after he returned from the San Paul outfit he called up Becker and asked him to come home to bed, and now even he admits that he met Becker and went with him to see Big Tim."

There were eleven affidavits, signed by ten persons, filed with the application. The order of Justice Philbin says that

STRIKE ARSENAL SEIZED; TROOPS ASKED AGAIN

Fifty Guns With Sword
Bayonets Taken in Raid
by Bayonne Police.

STONES HIT SHERIFF; SHOTS FIRED AT HIM

A second appeal to Gov. Fielder of New Jersey to send State militia to control the strikers at the Standard Oil and Tide Water Oil plants in Bayonne was made yesterday by Sheriff Eugene F. Kinkadee of Hudson county. The request was made by telephone after the Sheriff himself had been attacked by strikers.

Bayonne city detectives raided the strikers' headquarters at Mydosh's Hall, Twenty-first street and Avenue F, early this morning and found it to be a well equipped arsenal. They seized fifty brand new rifles which were packed in a case and an entire number of sword bayonets and sent them to police headquarters. It was announced that the weapons would be dumped into Newark Bay before daylight.

Desultory firing was heard early in the evening in the open spaces between the hall and the lumber yard of the Tide Water Oil Company. Stories reached the police that persons had seen strikers carry rifles into the hall and the authorities decided that time for action had arrived.

Acting Captain John J. Rigney went to the hall with Detectives Noonan, Russell, Jones and Catcher and found the proprietor alone. They piled an automobile high with the weapons and three detectives had to ride on the runboard on the trip to police headquarters for want of room inside the car.

The detectives say they saw no strikers in the neighborhood of the hall, although it was understood that several men were lying on their stomachs in the marshes waiting for signs of life at the oil plant.

At 2 o'clock this morning two strikers were arrested while laying large iron gas pipes across a spur of the Lehigh Valley tracks, over which oil trains are run to the Tidewater plant. The men were Stanny Burukowsky and Ludwig Walmachinski, both employees at the General Chemical Works, where there is no strike.

Sheriff Target of Bullets.

For more than a half hour yesterday afternoon the Sheriff and five of his deputies were the object of a hail of bricks and bullets. Mr. Kinkadee was hit several times by stones and three revolver shots were fired in his direction. The Sheriff and his deputies were surrounded on four sides by strikers near the Twenty-second street station of the Jersey Central Railroad, and so fierce was the attack that it was necessary to call for the police reserves.

The attack on the Sheriff was made after about fifty special aids, sworn in to guard the oil works, had been attacked and sent scurrying to cover in the same street.

The Sheriff, who is a pleasant faced man, usually cheerful and kind, looked grave last night as he stood on the steps of the Bayonne police headquarters and explained the situation. He said that while the rioting was going on he had stepped to a telephone booth and talked to the Governor at Trenton.

What He Told Governor.

Asked if he had asked the Governor to send troops, he replied:

"I apprised the Governor yesterday of the situation. My opinion has not changed since then. I told the Governor what had just happened. I told him I was prepared to stay here with my men to defend life and property as long as I was on my feet. Now, I want no exaggeration. The situation is grave enough."

He said he told the Governor that troops were necessary to handle the situation. The Governor asked the Sheriff if uniformed police would not do. The Sheriff replied that he had tried to get 100 uniformed men from the different cities in the county, but had succeeded thus far in getting only five from Union Hill. He also had commanded the eighteen boulevard motorcycle policemen. He explained that he had no success in getting other policemen. Thereupon the Governor promised to help the Sheriff in getting more policemen, but no assurance was given by the executive that troops would be called out.

Troops Said Afterward that with

100 additional uniformed policemen he could handle the situation and arrest strikers who exhibited guns or hurled bricks.

There were many reasons, however, why the Sheriff desired the presence of the militia. He had already pointed out that the foreigners respect only men in uniform and become infuriated at the sight of deputy sheriffs or guards carrying guns.

Police Guarding Banks.

It became known last evening that police guards were needed for the banks in Bayonne and for the homes of the city officials. It further was reported that the strikers, having collected a fund of \$300, were seeking to buy in this city ammunition for their revolvers and guns; that they were preparing for a demonstration this afternoon at the funeral of John Hienanek, the

TEXT OF THE AMERICAN NOTE TO GERMANY

DEPARTMENT OF STATE, WASHINGTON, July 21, 1915.

The Secretary of State to Ambassador Gerard.

You are instructed to deliver textually the following note to the Minister for Foreign Affairs:

The note of the Imperial German Government dated the eighth of July, 1915, has received the careful consideration of the Government of the United States, and it regrets to be obliged to say that it has found it very unsatisfactory, because it fails to meet the real differences between the two Governments and indicates no way in which the accepted principles of law and humanity may be applied in the grave matter in controversy, but proposes, on the contrary, arrangements for a partial suspension of those principles, which virtually set them aside.

The Government of the United States notes with satisfaction that the Imperial German Government recognizes without reservation the validity of the principles insisted on in the several communications which this Government has addressed to the Imperial German Government with regard to its announcement of a war zone and the use of submarines against merchantmen on the high seas—the principle that the high seas are free, that the character and cargo of a merchantman must first be ascertained before she can lawfully be seized or destroyed and that the lives of non-combatants may in no case be put in jeopardy unless the vessel resists or seeks to escape after being summoned to submit to examination; for a belligerent act of retaliation is per se an act beyond the law and the defence of an act as retaliatory is an admission that it is illegal.

Keen Disappointment Is Expressed.

The Government of the United States, however, is keenly disappointed to find that the Imperial German Government regards itself as in large degree exempt from the obligation to observe these principles, even where neutral vessels are concerned, by what it believes the policy and practice of the Government of Great Britain to be in the present war with regard to neutral commerce. The Imperial German Government will readily understand that the Government of the United States cannot discuss the policy of the Government of Great Britain with regard to neutral trade except with that Government itself, and that it must regard the conduct of other belligerent Governments as irrelevant to any discussion with the Imperial German Government of what this Government regards as grave and unjustifiable violations of the rights of American citizens, by German naval commanders.

Illegal and inhuman acts, however justifiable they may be thought to be against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they deprive neutrals of their acknowledged rights, particularly when they violate the right to life itself. If a belligerent cannot retaliate against an enemy without injuring the lives of neutrals as well as their property, humanity as well as justice and a due regard for the dignity of neutral Powers should dictate that the practice be discontinued. If persisted in it would in such circumstances constitute an unpardonable offence against the sovereignty of the neutral nation affected.

No Essential Right to Be Abated.

The Government of the United States is not unmindful of the extraordinary conditions created by this war or of the radical alterations of circumstance and method of attack produced by the use of instrumentalities of naval warfare which the nations of the world cannot have had in view when the existing rules of international law were formulated, and it is ready to make every reasonable allowance for these novel and unexpected aspects of war at sea; but it cannot consent to abate any essential or fundamental right of its people because of a mere alteration of circumstance.

The rights of neutrals in time of war are based upon principle, not upon expediency, and the principles are immutable. It is the duty and obligation of belligerents to find a way to adapt the new circumstances to them.

The events of the past two months have clearly indicated that it is possible and practicable to conduct such submarine operations as have characterized the activity of the Imperial German naval commanders within the so-called war zone in substantial accord with the accepted practices of regulated warfare. The whole world has looked with interest and increasing satisfaction at the demonstration of that possibility by German naval commanders. It is manifestly possible, therefore, to lift the whole practice of submarine attack above the criticism which it has aroused and remove the chief causes of offence.

Demand for Reparation Repeated.

In view of the admission of illegality made by the Imperial German Government when it pleaded the right of retaliation in defence of its acts, and in view of the manifest possibility of conforming to the established rules of naval warfare, the Government of the United States cannot believe that the Imperial German Government will longer refrain from avowing the wanton act of its naval commander in sinking the Lusitania or from offering reparation for the American lives lost, so far as reparation can be made for a needless destruction of human life by an illegal act.

The Government of the United States, while not indifferent to the friendly spirit in which it is made, cannot accept the suggestion of the Imperial German Government that certain vessels be designated and agreed upon which shall be free on the seas now illegally proscribed. The very agreement would, by implication, subject other vessels to illegal attack and would be a curtailment and therefore an abandonment of the principles for which this Government contends and which in times of calmer counsels every nation would concede as of course.

The Government of the United States and the Imperial German Government are contending for the same great object, have long stood together in urging the very principles upon which the Government of the United States now so solemnly insists. They are both contending for the freedom of the seas. The Government of the United States will continue to contend for that freedom, from whatever quarter violated, without compromise and at any cost.

Cooperation of Germany Invited.

It invites the practical cooperation of the Imperial German Government at this time when cooperation may accomplish most and this great common object be most strikingly and effectively achieved.

The Imperial German Government expresses the hope that this object may be in some measure accomplished even before the present war ends. It can be. The Government of the United States not only feels obliged to insist upon it by whomsoever violated or ignored in the protection of its own citizens, but is also deeply interested in seeing it made practicable between the belligerents themselves and holds itself ready at any time to act as the common friend who may be privileged to suggest a way.

In the meantime the very value which this Government sets upon the long and unbroken friendship between the people and Government of the United States and the people and Government of the German nation impels it to press very solemnly upon the Imperial German Government the necessity for a scrupulous observance of neutral rights in this critical matter.

Friendship itself prompts it to say to the Imperial German Government that repetition by the commanders of German naval vessels of acts in contravention of those rights must be regarded by the Government of the United States, when they affect American citizens, as deliberately unfriendly.

ANOTHER ATTACK WILL BE "AN UNPARDONABLE OFFENCE"

American Note Flatly Means That
a Break With Germany Will
Surely Result if the Warn-
ing Is Not Heeded

EFFORT MADE TO ALLAY GERMAN ANGER BY INCLUDING BRITAIN

This Government Invites Germany to Cooper-
ate in Securing the Freedom of the Seas
by Showing Her Own Good Faith

GERARD PRESENTS THE NOTE WITHOUT ANY CEREMONY

BERLIN (via wireless to Sayville, L. I.), July 23.—The United States Government's note on the submarine issue was delivered to the German Foreign Office at 1:15 o'clock this afternoon by Ambassador Gerard.

The American Ambassador did not resort to any ceremony in presenting the document. He rolled the note within a copy of an engineering magazine and walked with it in his hand across the square from the Embassy to the Foreign Office, where he was received by the Foreign Minister, Dr. von Jagow.

Mr. Gerard remained in conversation with Dr. von Jagow thirty minutes. After leaving the Ambassador was surrounded by newspaper men, to whom he would give no intimation regarding the exact contents of the note. Dr. von Jagow was also reticent. Arrangements for its publication are being made.

The note was transmitted to Berlin in seven sections. The first two arrived last night and the remaining sections were all here by 5 o'clock this morning.

WASHINGTON, July 23.—The note presented at the German Foreign Office by Ambassador Gerard to-day, as viewed in Washington, means that another submarine attack on American life will result in a break between Germany and the United States.

The climax of President Wilson's warning to Germany in regard to the rights of Americans comes in the final sentence of his note, as follows:

"Friendship itself prompts it [the United States Government] to say to the Imperial Government that repetition by the commanders of German naval vessels of acts in contravention of those rights must be regarded by the Government of the United States, when they affect American citizens, as deliberately unfriendly."

But that is not the only expression through which President Wilson voices the determination of himself and the American people. He notifies Germany that the United States will contend for its rights as a neutral "without compromise and at any cost."

Practices of the German naval forces such as have been protested by this Government, if persisted in, will constitute "an unpardonable offence against the sovereignty of any neutral nation affected."

An Equal Application.

As against these severe statements there is a feature of the note which is expected to go far toward allaying the deep anti-American feeling that is likely to be aroused in Germany. The President's warning that the United States will contend for American rights on the high seas "without compromise and without cost" is made to apply equally to Great Britain as well as to Germany. These rights will be protected "from whatever quarter violated" is the way Mr. Wilson puts it.

There is no doubt that this will be regarded both in Germany and in the United States as a promise on the part of this Government to deal as vigorously and insistently with British violation of neutral rights on the high seas as with those of Germany.

It often has been asserted that could the German Government and people be convinced that the United States Government was sincerely trying only to assert its rights and not to favor the Allies as against Germany much of the resentment caused by the submarine issue would instantly disappear. This expression was deliberately written into the note with this phase of the German attitude in mind.

Another Conciliatory Feature.

There is still another feature of the note in which the German Government may find some cause for gratification. The President, in two paragraphs written by his own hand, adverts to the remarks of the German note of July 8 about the mutual in-

terest of the two Governments in "the freedom of the seas" and opens the way to Germany to prove the sincerity of her statement that she really desires law to prevail during this war.

Declaring that both Governments are contending for the freedom of the seas, the note invites the practical cooperation of the German Government "at this time when cooperation may accomplish most."

The President not only echoes the expressed wish of Germany that this object may be accomplished during the present war, but also asserts that it can be attained. The United States, it is declared, holds itself ready to act as the common friend of the belligerents interested in this case.

While these assertions of the President's position are generally regarded as open to the construction that the United States is ready to work with Germany in furthering a bona fide proposal for restoring the observance of law on the high seas by England as well as by Germany, it is also the opinion here that they are two edged.

An Interpreted Warning.

The President's words are combined with the assertion of this Government's determination to protect the rights of American citizens at all costs, and in some quarters created the impression that they were intended to give notice that if the belligerents themselves did not enter into an arrangement whereby American rights would be respected on the high seas the United States Government would be inclined to take such measures as might be necessary to secure such rights.

Likewise the President's invitation to Germany to lend "practical cooperation" was interpreted as a strong hint that the best way for Germany to set about securing her professed ob-

WILSON ASKS DATA ON COUNTRY'S DEFENCES

Army and Navy Officials Will
Make Reports on U. S.
Preparedness.

WASHINGTON, July 22.—Shortly after the release of the note to the Berlin Government yesterday afternoon the fact became known that President Wilson has called for reports on the subject of national defence. The heads of the War and Navy Departments are to make these reports to the President personally as soon as he returns from Cornish, N. H., where in the meantime he will study the subject for himself.

President Wilson has been busy for some time. It became known yesterday, studying the military needs of this country, and efforts are being made to obtain advice from every available professional source. The views of members of the army and navy most familiar with the present status of America's military preparedness or lack of preparedness already have been obtained quietly during the last few months.

It is known that the President is particularly anxious to have the American navy reach a mark of efficiency not only equal but superior to any other, and at the proper time he is expected to propose to Congress a reasonable and adequate naval programme. Mr. Wilson also is studying a plan to increase the strength and efficiency of the American army, and his project is believed to include a method for the military training of American citizens.

"TURNER SANK LUSITANIA."

"Vossische Zeitung" Blames Brit-
ish Admiralty for Deaths.

Special Cable Dispatch to The Sun.

LONDON, July 24 (Saturday).—The Vossische Zeitung of Berlin prints an article by Prof. Oswald Palm, naval constructor and privy councillor, asserting that the British Admiralty and Capt. Turner deliberately exposed the Lusitania to the attack of a submarine in accordance with prearranged plans as to time and place. He also charges they hastened the sinking of the ship by artificial explosions executed by persons aboard bribed for the purpose, all with the deliberate intention of drowning Americans to insure an American outburst against Germany.

SEES SOLUTION FOR U. S. OF CLASH ON COTTON

Sir C. W. Macara, Leader of Industry in England, In-
dorses Suggestion for Purchase by Great Britain
of Surplus Crop Here.

Special Cable Dispatch to The Sun.

LONDON, July 24.—Some members of the British Government, The Sun correspondent learns, view with great favor the scheme suggested in the article in the Times yesterday morning purporting to give the American point of view for a settlement of the cotton controversy. It is not possible yet, however, to predict whether or not such a plan will be adopted.

The plan as outlined in the Times article included the purchase by Great Britain from the American planters of the amount which normally would go to the central empire and to the adjacent neutral States, involving an outlay of approximately \$175,000,000, and the storing of this supply until the end of the war, so that the usual market in Great Britain would not be affected by the diversion of the cotton, usually going to the Continent.

Sir Charles Wright Macara, chairman of the International Federation of Master Cotton Spinners and Manufacturers Association, after consultation with prominent members of the Government yesterday outlined a scheme identical with that suggested by the Times correspondent. He says he promulgated a similar scheme for the buying up of surplus cotton by the Government seven years ago as a means of taking advantage of the exceptional crop of that year and creating a reserve to meet the deficiency of lean years, and that he again broached the plan last September in connection with the situation created by the war.

He expresses the opinion that it would cost £60,000,000 (\$300,000,000) to segregate the proportion of the crop usually going to Germany and Austria, but he believes that this could easily be accomplished by arrangement between the American and British Governments.

"The problem could have been settled last September," Sir Charles added, "if the members of the United States and British Governments had been men of practical instead of academic minds. The fact that the British Government is now willing to listen to proposals gives hope for a solution of the grave difficulty. I am convinced that the scheme would be of immense service to humanity, not only in hastening the end of the war, but averting distress in the cotton industry, for the ruin of the cotton planters of the United States, Egypt and India would mean the ruin of the Lancashire spinners and operatives, and through various ramifications infinite distress throughout the world."

The Times, commenting on the proposal for the purchase of American cotton by the British Government outlined by a correspondent in yesterday's issue, expresses the opinion that much can be said in favor of the scheme, but it gives warning that the financial consequences upon the rate of exchange and in other directions need most careful consideration.

With reference to a suggestion that the orders in council be revoked, the Times says:

"Making cotton contraband would doubtless involve a revision of the orders and might possibly be accompanied by the principles of international law respecting non-contraband imports into Germany. But the Allies can hardly be expected to put cash into the enemy's war chest by allowing her to send exports to the United States and other neutrals."

Commenting on the State Department's announcement that the United States has informed Great Britain that she will insist on American rights under the principles of international law hitherto established, the Times says:

"The claim is manifestly excessive and not in accordance with the example of the American Government in the American courts in the civil war. In other times they claimed and exercised the right against our shipping and cargoes of adapting the principles and rules of international law then established to new circumstances and new facts, and in doing so greatly amplified the doctrines of blockade and contraband."

"They did not confine themselves at all to what hitherto had been established, but while respecting the broad principles which underlie the older decisions, stretched the latter without hesitation to cover the necessities of their position. It seems impossible that we should forego, or that they should ask us to forego, a like freedom of action."

"The political issues of this war are as vast and the moral issues as sacred as those of the great American struggle. We trust and expect that when the new decisions regarding them are published they will receive the most ready and sympathetic consideration of the people as well as of the Government of the United States."

PRESIDENT GOES AGAIN TO HIS SUMMER HOME

Leaves Capital for Cornish—
Protest to Britain to Be
Sent Soon.

WASHINGTON, July 23.—President Wilson left Washington for his summer home at Cornish, N. H., late this afternoon. The length of his stay in the mountains is uncertain and will depend upon developments in the international situation.

Secretary of State Lansing also left town today. He will visit Col. E. M. House, President Wilson's friend, at Manchester. Mr. Lansing will, therefore, be only a few hours ride from Cornish, but he did not expect to visit the President. Mr. Lansing will be away from Washington only two or three days.

Before President Wilson left here it was reported that the note to Great Britain protesting against unlawful restraints on neutral commerce has been practically finished and will be dispatched within the next ten days. It is believed that it will be as firm as the note just sent to Germany.

The note, it is understood, will insist upon the application of international law to the cases involved and will deny the right of Great Britain to detain cargoes by any other authority.

SEIZE TEXAS'S COTTON CARGO.

British Authorities Take Staple

Consigned to Gothenburg.

LONDON, delayed by censor, July 19.—The Government has seized the cotton cargo of the Swedish steamship Texas, which sailed from Galveston on June 18 for Gothenburg. The cargo is now being discharged at Grimsby, where the vessel arrived on July 16 from Kirkwall. The Texas was first detained at Kirkwall on July 10.

The Danish steamship Louisiana, which sailed from Boston for Copenhagen on July 3, arrived at Kirkwall on July 17 and has been detained there.

The Danish steamship Florida, from Baltimore, June 27, for Gothenburg, and the Norwegian steamship Skogland, from New York on June 28 for Aarhus, which arrived at Kirkwall on July 15, have been released by the British authorities.

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